

WISHA Interim Operations Memorandum
Washington Department of Labor and Industries
#99-1-H
CHARTER BOAT SAFETY INSPECTIONS

Approved: Michael Wood, Senior Program Manager
WISHA Policy & Technical Services

Date Issued: January 29, 1999

Background

In addition to Title 49.17 RCW (WISHA), WISHA Services in the Department of Labor and Industries administers several other statutes. One of those is the Title 88.04 RCW, the Charter Boat Safety Act.

The act's essential requirements are found in RCW 88.04.035, which requires the department "to inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every twenty-four months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by the department and with applicable state and federal laws and regulations." The section also provides for the department to inspect such vessels "if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel."

"Charter boat" is defined in RCW 88.04.015(3) as a vessel or barge operating in Washington state waters "which is not inspected or licensed by the United States coast guard and over which the United States coast guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo."

RCW 88.04.025(1) provides that no such vessel may be operated unless it has a valid certificate of inspection from either the department or the United States Coast Guard (USCG).

Although the department has not always required the 24-month inspection to be completed out of the water, research conducted in 1997 has confirmed that the boats must be inspected out of the water. Substitutions such as inspection by divers and by the use of videotape are not provided for in the statute, although the USCG uses them in a restricted fashion during its own inspections. The department is pursuing legislation that can be expected to modify this requirement, perhaps making dry-dock inspections unnecessary until January 1, 2002. The annual inspections can be expected to continue in any case, however.

This interim memorandum, which replaces and supersedes WISHA Interim Operations Memorandum #98-5-B, provides guidance to WISHA staff regarding the annual and biennial inspection procedures.

Policy

1. The maritime specialist in WISHA Policy & Technical Services (P&TS) is responsible for ensuring that the operators of all licensed charter vessels are aware of the need to renew their certificate of inspection.

2. The maritime specialist in WISHA P&TS is responsible for scheduling the inspections and ensuring that any determinations based on them are made in accordance with applicable USCG guidelines.
 - a. If the maritime specialist conducts the inspections in person because no qualified inspector is available within the affected region, he or she is expected to contact regional management within the affected region to arrange with them to send an inspector with him or her. Because the department's intent is to have trained and knowledgeable inspectors in the affected region perform the inspections, such activity by the maritime specialist in WISHA P&TS should be viewed as on-the-job training and will not be expected to continue.
 - b. If qualified inspectors from within the affected region conduct the inspections, or if the maritime specialist arranges for other qualified staff to conduct the inspections, the maritime specialist is expected to coordinate the inspection activities with the affected management. The maritime specialist in WISHA P&TS will continue to review the inspections and any conclusions drawn from them.
3. Although inspection results will be reported on a WISHA "citation and notice," any violations will be classified as general, enabling the operator to correct them within a suitable abatement period.
4. In the event that circumstances (worker exposure, unlicensed activity, etc.) make a WISHA inspection pursuant to Title 49.17 RCW necessary, the maritime specialist must make a referral to the appropriate regional supervisor. If a qualified WISHA inspector is available within the affected region, he or she will conduct the inspection. Otherwise, the regional supervisor must arrange to have an inspector from another region conduct the inspection or arrange to have the maritime specialist within WISHA P&TS assist an inspector from within the region (such assistance should be handled as on-the-job training with the goal of helping to make the inspector able to conduct such inspections on his or her own). Any such inspection must be conducted in accordance with all applicable guidance in the WISHA Compliance Manual.